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Serial Number: 09/650,469⁴⁹⁶
Appn. Filed: 8/29/2000
Applicant(s): Dale E. Fiene
Appn. Title: Under-Cabinet Lighting System
Examiner: LEE, WILSON
Group Art Unit: 2821

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Applicant's response to Office action dated 3/27/02

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Sir:

This letter is in response to the Office Action mailed 3/27/02, which stated in part,

"1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, 14-19, drawn to an electrical connector, classified in class 439, subclass 226.
- II. Claims 7-13, 20-26, drawn to a lamp enclosure means, classified in class 362, subclass 133.
- III. Claim 27, drawn to a transformer supply circuit for a lamp, classified in class 315, subclass 276.

2. The inventions are distinct, each from the other because of the following reasons:

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Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I comprises a pair of input terminals being capable of piercing the output conductors of the luminaire. It depicts an internal structure of the conductor for rendering a particular electrical contact between the lamp and the source. Invention II comprises an enclosure for enclosing the lamps, wiring and the power source. It defines the invention as a connection structure for generally supporting or mounting the lamps.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention II comprises an enclosure for enclosing the lamps, wiring and the power source. It defines the invention as a connection structure for generally supporting or mounting the lamps. Invention III depicts the specific ballasting circuit for reducing the voltage across the cathodes after the lamp has ignited."

Applicant is confused by the justification for calling the inventions I and II unrelated and distinct. The justification quoted states that, "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01)." For inventions to be unrelated both conditions have to be met. Condition one is that it has to be shown that the inventions are not disclosed as capable of use together. Condition two is that and they have different modes of operation, different functions, or different effects. While I can agree that condition two may apply to the two sets of claims identified as invention I and II because the claims may address different effects or functions, I do not agree that condition one has been met. I believe that the specification and the claims do disclose that the features claimed as capable of use

together. This is particularly true since the application relates to a lighting system, which inherently has multiple parts that are used together.

If Examiner is not persuaded by Applicants arguments, Applicant elects invention II (Claims 7-13, & 20-26) drawn to a lamp enclosure means, classified in class 362, subclass 133.

Very respectfully,



Dale Fiene